A Modeſt Vindication of the Proceedings of the late GRAND-JURY *at the* Old Baily, *who returned the Bill againſt* Stephen Colledge, *Ignoramus.*

WE live in an Age, when nothing of publick Tranſactions paſſes uncenſured by ſome *Audacious Libeller* or other, who ſtudies nothing but to amuſe and confound the multitude, and ſet them together by the ears. 'Tis incredible with what noiſe and non-ſenſe their lying Pamphlets have been ſtuffed of late about the Proceedings of the *Grand-Jury* at the *Old Baily* on the of *June* laſt, to the amazement of all ſober and underſtanding men, to ſee how impudently the *Papiſts* and their Adherents charge ſo many *Conſcientious* and Loyal Gentleman with the deteſtable Crime of *Wilful Perjury*. Sad times indeed, when *honeſt Proteſtants* cannot follow the dictates of their *Conſciences*, without hazarding their Credit and Reputation, if not their Lives and Fortunes, by the reſtleſs malice of their *Popiſh* Enemies,

But if we conſider how the Grand Inqueſt of the Nation, the King's great Council, and the Repreſentative-body of the People, are daily traduced by every *daring Scribler*, and their Votes and Reſolutions declared *Illegal and Arbitrary*; we cannot wonder that a *Grand-Jury* of one County or Hundred only, ſhould be cenſured and condemned by the wicked Agents of *Hell* and *Rome*.

What (ſay they) *ſix Witneſſes poſitively charge* Colledge *with High-Treaſon, and yet the* Grand-Jury (*ſworn to preſent according to* Evidence) *bring in the Bill* Ignoramus? *If this be tolerated, Criminals may go free; and if ſuch* Juries *be not indictable of* Perjury, *the World is ſtrangely miſtaken, and Oaths are of no effect.* Hold, hold, good Sirs! fair and ſoft goes far. The World is certainly miſtaken, if any man can be guilty of *Perjury*, or any other Crime, while he proceeds according to the beſt of his Knowledge, and follows the dictates of his Conſcience. 'Tis the difference of Peoples Tempers and Underſtandings cauſes ſuch a diverſity of Opinions in the World, and this the diverſity of *Conſciences*. Men cannot be of what opinion they will, nor conſequently can their *Conſciences* dictate to them what they pleaſe. Suppoſe the *Evidence* clear and poſitive againſt *Colledge*, yet we cannot be aſſured it appeared ſo to the Gentlemen of the *Grand-Jury*. Every one has his failings, and ſome cannot ſee the Sun ſhine at noon-day. *Nemo mortalium omnibus horis ſapit*; yet a defect in our Naturals cannot be made a Crime in our Morals. And certainly it was more Chriſtian-like in theſe Gentlemen, humbly to confeſs their *Ignorance* in open Court, than uncharitably condemn their Friend and Neighbour upon a hearſay. Are not *Juries* appointed by the Law *ſole Judges* of the matter of Fact, and of the Credit and *Validity* of the *Evidence*? Who then can be ſo mad as to blame this *Grand-Jury* for giving more Credit to the ſolemn Proteſtation of *One* of their own *Religion* and *Party*, than to *Half a dozen* Oaths of *Church-Papiſts*, or *Maſquerading-Proteſtants*, who, for ought they knew, (for to be ſure they had more than one *Ignoramus* to juſtifie their Proceedings) were hired by the *Pope*, or ſuppoſe the *Devil*, or at leaſt by ſome of their Emiſſaries, the *Jeſuits*, that are ſtill lurking among the *Non-Conformiſts*, (as the Reverend Dr. *O*— will tell you) to ſwear againſt the *Proteſtant-Joyner*, thereby to fix their *Helliſh Plot* upon our *Diſſenting Brethren*, and dexterouſly tranſubſtantiate the *Popiſh Deſign* into a *Presbyterian Conſpiracy*? 'Tis the great Law of Humane Society, *Do as you would be done unto*; and therefore our Saviour ſtrictly charges his Diſciples; *All things whatſoever ye would that men ſhould do to you, do ye even ſo to them; for this is the Law and the Prophets*, Matth. 7. 12. Now who can be ſo ſtupid as to doubt, but if this *Grand-Jury* had been accuſed by ſome that tell Tales out of School, as Confederates with *Colledge* in his Trayterous Deſigns againſt his Sovereign, they wiſh with all their hearts they could meet with ſuch real Friends, as would venture the laſh of the Law, and the breach of a Ceremonial Oath, to find the Bill *Ignoramus*? How then could theſe Gentlemen pretend to common Chriſtianity, or at leaſt to the Purity of the *Reformed Goſpel*, if through an unmanly fear of breaking ſome Humane Laws, they ſhould cowardly do to *Colledge* what they would not have done to themſelves, contrary to the expreſs words of Chriſt? *But* (ſays a notable bold *Tory*) *'tis a Caſe without any*

Example

Example or President, and not to be paralell'd in Story, that a Grand-Jury, *(who by the Fundamental Constitutions of the Land are appointed only to examine whether the matter be triable by Law, or deserve a further enquiry) should think the Oaths of six positive Witnesses (and for the King too) against a Traytor, so frivolous and impertinent, as not to deserve any further Examination.* It seems, *Tory*, you are but meanly vers'd in our Chronicles, and authentick Monuments of Antiquity; you hate an *Ignoramus* in a *Grand-Jury*, but you plainly discover *it* in your self. 'In King *Richard* II's Reign you might find, how at the 'time of *Wat Tyler's* Insurrection the Rabble were in a uproar at St. *Albans*, and committed many Our-'rages upon the Abbot and Monks of that Monastry; whereupon the King sent Sir *Walter Leye* and 'others, as Commissioners of *Oyer* and *Terminer*, to enquire into the Commotion, and punish the Authors. 'The Knight caused a *Jury* to be summon'd, and charg'd them to be ready against next morning with 'their Presentments of the beginners of their Troubles. But these *good* men and *true* knew nothing of the 'matter; it was the case of their Fellows in mischief, and might be their own. And therefore in a plain '*Ignoramus* they answer, They can Indict no man, nor Accuse any; they cannot find one who had been 'disloyal to his Sovereign, not one breaker of his Peace, not one that could appear so to them. The Com-'missioners startled at this juggle, sent immediately to the King at *Chelmsford*, to acquaint him with the 'whole Proceedings, who vows to come in person and see Justice executed upon the Traytors. In the 'interim, the Commissioners seize *Greyndcob*, (a bold impudent Fellow, not much inferiour to *Colledge*) 'and others of the Ring-leaders, and sent them Prisoners to *Hartford*: But the Rabble raised a new 'Uproar, and got *Greyndcob* out upon Bail, on condition either to agree with the Abbot within three 'days, or render him up to the Justices again. Yet *Greyndcob*, more fool-hardy than wise, was no sooner 'out, but he perswaded the Rabble never to submit to the Abbot, but preserve their Liberties, tho' with the hazard of their Lives. *Dangerous Liberty* (says he) *is more valuable, than safe and quiet Slavery; let us live or die with Liberty; In so generous, so honest a Contention, it will be glorious to overcome, whatsoever our fears are, worse we cannot be, than now we are about to make our selves; Success too does not so often fail men as their own Industry and Boldness. Fear not for me, nor trouble your selves at my danger. I shall thing my self more happy than our Lords, if they prosper, or their King, to die a Martyr of the Cause, with the reputation of such a Gallantry. Let such Courage as would have hurried you forward to all brave and signal mischiefs, had I lost my Head at* Hartford, *inflame your brave spirits. Methinks I see the Hero* Tyler's *Ghost chiding our sluggish Cowardice, and by the blazes of his Firebrands kindled in Hell, and moved by Fiends about his Head, lead on to noble Villanies. Let dreaming Monks and Priests tremble at the airy sound of God and Saints; He who fears Thunderbolts, is a Religious heartless Coxcomb, and shall never climb a Molehill.* Thus our brave Commonwealth-Reformer animates his Fellows to carry on the Cause; But the King arrives at last, and soon cools their Courage. The Chief Justice *Tresilian* sitting in Judgment, calls the *Grand-Jury* before him; but they, good people, begin to faulter, and shamefully protest they cannot make any such discovery as is desired. The Chief Justice pressed them to do their duty, but could not prevail, till at last he told them they should have His Majesty's Pardon, if they found out the Authors of that Commotion: otherwise they should undergo the same Punishment that was to be inflicted upon the Offenders; and it was folly in them, out of a care to preserve wicked mens lives, to hazard the loss of their own. Which words on a sudden infused such knowledge into our *Ignoramus-Jury*, that they found the Bill against hundreds, both in Town and Countrey.

Now here it is worth the enquiring after, by what Law could this Chief Justice inflict the same Punishment on the *Grand-Jury* for their *Ignoramus*, that the Authors of the Commotion were liable to suffer. I must confess *Grand-Juries* are punishable in some cases, as appears by 33 *H.* 8. cap. 6. made against keeping, carrying about, and shooting in *Cross-Bows* or *Hand-Guns*; where it was Enacted, §. 20. *That if any* Jury *do wilfully conceal (that is, not present according to Evidence) any of the said Offences, being thereof lawfully convict, they shall forfeit* 20 *s. apiece to the King for every such Concealment.* Nevertheless, tho' *Grand-Juries* be punishable for concealing these Offences, yet concealing of Traytors is another matter; and we must not think that an Argument *à minori ad majus* can hold in this Case, where the Life of a Brother is concerned. Besides, no *Jury* can be punished, unless legally found *Guilty* by another; and then to be sure people have so much Brains, as to know whom to empannel, when their Brethren are like to suffer for being *too* zealous for the *Cause*.

But to conclude, notwithstanding all the restless endeavours of the *Popish* Agents to asperse the honest intentions of these Gentlemen, and misrepresent them both to Prince and People; 'Tis plain, they have served His Majesty in this business with a great deal of Sincerity and Loyalty: for they knew very well, had they found the Bill against *Colledge*, he should have been tryed of course at the *Old Baily*, and there, no doubt, a *Petty-Jury* might have been pack'd of *Colledg's* Brethren in Iniquity, who to save their Brother, nay Themselves, and the whole *Cause* from so Ignominious a Death, would venture thro' all Laws, both Humane and Divine. These Gentlemen therefore, to give His Majesty warning, prudently brought in the Bill *Ignoramus*, and thereby prevented the wicked Contrivances of the Brethren, to their own immortal Glory and Renown, and to the great satisfaction of all His Majesty's Loyal Subjects.

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